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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/672,172	09/27/2000	Curt L. Cotner	STL920000080US1	6856

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INTERNATIONAL BUSINESS MACHINES CORP
IP LAW
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EXAMINER

KISS, ERIC B

ART UNIT	PAPER NUMBER
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2122

DATE MAILED: 10/30/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/672,172

Applicant(s)

COTNER ET AL.

Examiner

Eric B. Kiss

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4-8, 12-16 and 20-24 is/are allowed.
- 6) ☒ Claim(s) 1-3, 9-11 and 17-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. The amendment of August 15, 2003, has been received and entered. Claims 1-24 are pending.

Response to Amendment

2. Applicant's statement regarding the objection to the drawings, specifically pointing out the location in the specification where reference number "240" is described, renders moot the objection to the drawings as detailed in the previous office action. Accordingly, this objection is withdrawn.
3. Applicant's amendment to the Abstract of the Disclosure appropriately addresses the objection to the specification as detailed in the previous office action. Accordingly, this objection is withdrawn in view of Applicant's amendments.
4. Applicant's amendments to claims 4, 12, and 20, rewriting the objected claims in independent form, including the limitations of any base claims and intermediate claims, appropriately addresses the objection to claims 4, 5, 7, 8, 12, 13, 15, 16, 20, 21, 23, and 24. Accordingly, this objection is withdrawn in view of Applicant's amendments.

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5. The amendments to claims 6, 14, and 23, changing the claim dependencies, renders moot the rejection of claims 6, 14, and 23 under 35 U.S.C. §103(a) as detailed in the previous office action. Accordingly, this rejection is withdrawn in view of Applicant's amendments.

Allowable Subject Matter

6. Claims 4-8, 12-16, and 20-24 are allowed.

Response to Arguments

7. Applicant's arguments filed August 15, 2003, have been fully considered but they are not persuasive.

In response to Applicant's arguments on pages 18-19, in the previous office action, the Examiner has indicated that *Greenfield* discloses ***storing the static information in a database*** (*Greenfield*, col. 3, ll. 41 - 45); ***developing relationships and dependencies responsive to the... information stored in [the] database*** (*Greenfield*, col. 5, ll. 32 - 40); and ***storing the relationships and dependencies in the database*** (*Greenfield*, col. 3, ll. 41 - 45).

Thus, with respect to Applicant's claimed feature in question, *Greenfield* discloses ***developing relationships and dependencies responsive to the static information stored in [the] database***.

The Examiner further stated that although *Greenfield* fails to expressly disclose ***collecting dynamic information concerning the computer program during an execution of the***

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computer program code and storing the dynamic information in [a] database, *Cline* does teach collecting run-time information for a program compiled from source code (*Cline*, col. 15, ll. 52 - 55).

It has been the Examiner's position that the missing feature of *Greenfield*, namely the collection and use of dynamic information in such analysis, disclosed by *Greenfield*, of a given program, has been taught by *Cline*. In particular, the cited portion of *Cline* describes a test harness monitoring and recording system and procedure calls (dynamic information) in a database. Further, as previously asserted by the Examiner, **it would have been obvious to a person of ordinary skill in the art that the static analysis of Greenfield is only half of the whole run-time profile of a program -- a whole profile which can be provided by Cline** (see, for example, the Abstract of *Cline*, which discloses analysis based on both static information and dynamic information forming a complete profile of an application program). Thus, it is asserted that the disclosure of *Cline*, as relied upon by the Examiner in the previous office action, provide proper teaching and motivation for the collection of dynamic information for an application program in a database, and combination of static and dynamic analysis of the application program.

8. In view of Applicant's unpersuasive arguments, the rejection of claims 1-3, 9-11, and 17-19, under 35 U.S.C. §103(a) is maintained and reproduced below.

Claim Rejections - 35 USC § 103

9. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

10. Claims 1-3, 9-11, and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greenfield (USPN 4,931,928) in view of Cline et al. (USPN 5,313,616; hereafter referred to as Cline).

As per claims 1, 9, and 17, Greenfield discloses, "scanning and parsing source code . . . to determine static information." (Greenfield, col. 3, ll. 34 - 41);

Greenfield also teaches, "storing the static information in a database" (Greenfield, col. 3, ll. 41 - 45);

Greenfield also discloses, "developing relationships and dependencies responsive to the . . . information stored in [the] database" (Greenfield, col. 5, ll. 32 - 40);

Greenfield also teaches, "storing the relationships and dependencies in the database" (Greenfield, col. 3, ll. 41 - 45);

Greenfield also teaches, "query[ing] of the database to produce a set of potential candidates of computer program code" (Greenfield, col. 3, line 66, to col. 4, line 2);

Greenfield does not expressly disclose the "collecting dynamic information concerning the computer program during an execution of the computer program code" and "storing the dynamic information in [a] database." However, Cline does disclose collecting run-time

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information for a program compiled from source code (Cline, col. 15, ll. 52 - 55). Thus, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art that the static analysis of Greenfield is only half of the whole run-time profile of a program -- a whole profile which can be provided by Cline. One of ordinary skill in the art would have been motivated to do this in order to gather a complete static and run-time analysis of a given program.

As per claims 2, 10, and 18, as applied to claims 1, 9, and 17 above, the Examiner takes Official Notice that a program, interactive with a user and a database, would allow a user to modify and/or manipulate a query to be dispatched to a database. Thus, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art that a query, dispatched to a database by an user, could be 'relaxed', expanded, or constricted query selection parameters -- depending on what the user at the query interface enters. One of ordinary skill in the art would have seen that the selection criteria of a query would be entirely dependent on the input of the user and, therefore, would allow the user, by means of an interactive or threshold limit query input/generation unit, to determine if query criteria should or could be expanded or restricted.

As per claims 3, 11, and 19, as applied to claims 2, 10, and 18 above, Greenfield discloses, "identifying a portion of the computer program code as a... database stored procedure" or a "Web-enabling interface call"(Greenfield, col. 17, ll. 63 -68).

Conclusion

11. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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12. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Eric B. Kiss whose telephone number is (703) 305-7737. The Examiner can normally be reached on Tue. - Fri., 7:30 am - 5:00 pm. The Examiner can also be reached on alternate Mondays.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Tuan Dam, can be reached on (703) 305-4552. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

EBK

October 21, 2003

A handwritten signature in black ink, reading "Anthony Nguyen-Ba". The signature is written in a cursive, flowing style.

**ANTONY NGUYEN-BA
PRIMARY EXAMINER**